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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/904,091	07/12/2001	Xin Simon Luo	41486/SAH/A717	1881	
23363	7590 06/18/2003				
	PARKER & HALE, LL	EXAMINER			
SUITE 500	OLORADO BOULEVAR	SOHN, SEUNG C			
PASADENA, CA 91105			ART UNIT	PAPER NUMBER	
			2878		
			DATE MAILED: 06/18/2003	DATE MAILED: 06/18/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Applicant(s)   Applicant(s)   Applicant(s)   Applicant(s)   Applicant(s)   Applicant(s)   Application No.   Applicant(s)   Application No.									
Examiner   Seuing C. Sohn   2878   2878   2776   2878   2878   2878   2876   2878   2876		Application No.	Applicant(s)						
Seung C. Sohn   2878		09/904,091	LUO, XIN SIMON						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available udenthe provisions of 3 CFR 1 136(s). In no event, however, may a reply be timely filled  Extensions for reply appearance of the provision of 3 CFR 1 136(s). In no event, however, may a reply be timely filled  ## the period for reply appearance with a state thinty (30) days, a reply when the stateopy minimum of thinty (30) days will be considered provided by the communication of the period for reply which the set of contended provide only will, by administ cause the appearance of the communication.  ### Fill provided for reply appearance with the provided provided provided provided provided any seamed patient time adjustment. Set 3 CFR 1 704(s).  ### Status  1)	Office Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edetablicins of litters tray be available under the provisions of 37 CFR 1.13(iii). In no event, however, may a reply be timely filed.  Edetablicins of litters tray be available under the provisions of 37 CFR 1.13(iii). In no event, however, may a reply be timely filed.  Edetablicins of litters that the available under the provisions of 37 CFR 1.13(iii). In or event, however, may a reply be timely filed.  Edetablicins of the provision of the priority documents have been received.    Claim(s)									
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2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-33 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  4pplication Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNIC  - Extensions of time may be available under the provisions of after SIX (6) MONTHS from the mailing date of this commur  - If the period for reply specified above is less than thirty (30)  - If NO period for reply is specified above, the maximum statu-  - Failure to reply within the set or extended period for reply w  - Any reply received by the Office later than three months after earned patent term adjustment. See 37 CFR 1.704(b).	ATION.  f 37 CFR 1.136(a). In no event, however, may a nication.  days, a reply within the statutory minimum of the tory period will apply and will expire SIX (6) MC (ill, by statute, cause the application to become a second cause the second ca	a reply be timely filed hirty (30) days will be considered timely. ONTHS from the mailing date of this comm ABANDONED (35 U.S.C. § 133).	nunication.					
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct 1. species of the claimed invention:

Species I: Figs. 5-10, claims 1-24.

Species II: Figs. 12-15, claims 25-33.

- 2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.
- Applicant is advised that a reply to this requirement must include an identification 3. of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.
- Upon the allowance of a generic claim, applicant will be entitled to consideration 4. of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 5. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (703) 308-

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4093. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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SCS June 14, 2003 KEVIN PYO PRIMARY EXAMINES